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DISTRICT OF NEVADA

BY _____ DEPUTY

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARRY J. GLANTZ,
Plaintiff,

CV-S-03-1212-HDM-LRL

vs.

NCO FINANCIAL SYSTEMS, INC.,
a foreign corporation,
Defendant.

SIX PERSON JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and of related state law obligations brought as supplemental claims hereto.

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3. In 2003, Defendant initiated a campaign of abusive, unfair, unreasonable, and unlawful debt collection activity directed against Plaintiff in Las Vegas, Nevada.

4. As a result of these and other violations of law, Plaintiff seeks hereby to recover actual and statutory damages together with reasonable attorney's fees and costs.

PARTIES

5. Plaintiff, Larry J. Glantz, is a natural person who resides in Las Vegas, Nevada, and is a "consumer" as defined by 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by 15 U.S.C. Section 1692a(5).

6. Defendant, NCO Financial Systems, Inc., is a foreign corporation, the principal purpose of whose business is the collection of debts, operating a debt collection agency from its principal place of business in Horsham, PA, and regularly collects or attempts to collect debts owed or due or asserted to be owed or due another, and is a "debt collector" as defined by 15 U.S.C. Section 1692a(6).

FACTUAL ALLEGATIONS

7. Plaintiff(s) repeat, reallege and assert all factual allegations contained in the preliminary statement to this Complaint and reassert them as incorporated in full herein.

8. During 2002, Plaintiff and his 2 small children were involved in a terrible car accident.

9. Plaintiff was primarily represented by the law firm of Mainor Harris, a preeminent Las Vegas personal injury firm.

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1 10. Plaintiff and his family received substantial medical
2 care.

3 11. Plaintiff's medical bills were provided to Mainor Harris.
4 Medical liens were assigned.

5 12. Plaintiff was informed his family's medical bills would
6 be satisfied upon settlement of the personal injury claims.

7 13. The claims were settled during June, 2003.

8 14. At approximately the same time, Plaintiff was contacted
9 by Defendant's representative seeking payment of a \$61.00 medical
10 bill.

11 15. Plaintiff was of the belief that this bill had been paid.

12 16. Plaintiff then informed Defendant that the bill would be
13 paid if it were indeed unsatisfied.

14 17. Plaintiff then advised Defendant that he was represented
15 by Mitchell D. Gliner, Esq.

16 18. Plaintiff advised Defendant not to again contact him and
17 to direct all further communications to Mr. Gliner.

18 19. Curiously, this same \$61.00 medical debt has also been
19 assigned to another debt collector, OSI. Defendant has reported
20 its collection account on Plaintiff's credit profiles.

21 20. Defendant has continued to call Plaintiff demanding
22 payment in violation of FDCPA §§ 1692c, 1692c(a)(2) and 1692d.

23 21. The foregoing acts and omissions of Defendant were
24 undertaken by it willfully, maliciously, and intentionally,
25 knowingly, and/or in gross or reckless disregard of the rights of
26 Plaintiff.

1 22. Indeed, the foregoing acts and omissions of Defendant
2 were undertaken by it indiscriminately and persistently, as part of
3 its regular and routine debt collection efforts, and without regard
4 to or consideration of the identity or rights of Plaintiff.

5 23. As a proximate result of the foregoing acts and omissions
6 of Defendant, Plaintiff has suffered actual damages and injury,
7 including, but not limited to, stress, humiliation, mental anguish
8 and suffering, and emotional distress, for which Plaintiff should
9 be compensated in an amount to be proven at trial.

10 24. As a result of the foregoing acts and omissions of
11 Defendant, and in order to punish Defendant for its outrageous and
12 malicious conduct, as well as to deter it from committing similar
13 acts in the future as part of its debt collection efforts,
14 Plaintiff is entitled to recover punitive damages in an amount to
15 be proven at trial.

17 CAUSES OF ACTION

18 COUNT I

19 25. The foregoing acts and omissions of Defendant constitute
20 violations of the FDCPA, including, but not limited to, Sections
21 1692c, 1692d and 1692e.

22 26. Plaintiff is entitled to recover statutory damages,
23 actual damages, reasonable attorney's fees, and costs.

25 COUNT II

26 27. The foregoing acts and omissions constitute unreasonable
27 debt collection practices in violation of the doctrine of Invasion
28 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.

1 1443, 1448-49 (D. Nev. 1994); Pittman v. J. J. Mac Intyre Co. of
2 Nevada, Inc., 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

3 28. Plaintiff is entitled to recover actual damages as well
4 as punitive damages in an amount to be proven at trial.

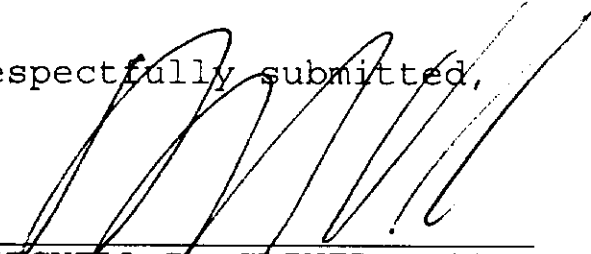
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6 JURY DEMANDED

7 Plaintiff hereby demands trial by a six-person jury on all
8 issues so triable.

9 WHEREFORE, Plaintiff prays that this Honorable Court grant the
10 following relief:

- 11 1. Award actual damages.
12 2. Award punitive damages.
13 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.
14 § 1692k.
15 4. Award reasonable attorney fees.
16 5. Award costs.
17 6. Grant such other and further relief as it deems just and
18 proper.

19 Respectfully submitted,

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21 
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27 Attorney for Plaintiff
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